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PATENT, TRADEMARK, COPYRIGHT  
AND UNFAIR COMPETITION LAW  
AND RELATED LITIGATION

EDMUND P. WOOD 1923-1968  
TRUMAN A. HERRON 1935-1976  
EDWARD B. EVANS 1936-1971

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**FACSIMILE COVER SHEET**

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TECHNICAL ADVISORS  
HENRY M. LABODA, Ph.D.  
LARRY D. MOORE, B.S.E.E.

TO: The Honorable Commissioner  
Attention: Steven L. Weinstein  
Art Unit 1761

FROM: David H. Brinkman

Fax No.: (703) 872-9306

Phone: (513) 241-2324

Date: April 14, 2005

Fax: (513) 421-7269

Pages (including cover page): 11

Re: U.S. Serial No. 09/800,792 COTTON CANDY MARKETING AND PACKAGING  
SYSTEM AND RELATED PRODUCT  
Attorney Docket No. GME-138

**ATTACHMENTS/COMMENTS: OFFICIAL**

Please deliver to Steven L. Weinstein  
Transmittal of Response to Final Office Action (3 pages)  
Response to Final Office Action (7 pages)

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this correspondence is being facsimile transmitted  
to the Patent and Trademark Office fax number (703) 872-9306 on the  
date shown below.

April 14, 2005

**Certificate of Facsimile**

I hereby certify that this correspondence is being deposited via facsimile to The Honorable Commissioner in the United States Patent and Trademark Office, Attention: Steven L. Weinstein whose telephone number is (571) 272-1410 and centralized facsimile number is (703) 872-9306 on April 14, 2005.

David H. Brakman, Reg. No. 40,532

Date

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APR 14 2005**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: John C. Evans  
Serial No.: 09/800,792  
Filed: March 7, 2001  
Confirmation No.: 5511  
Group Art Unit: 1761  
Examiner: Weinstein, Steven L.  
Title: **COTTON CANDY MARKETING AND PACKAGING SYSTEM  
AND RELATED PRODUCT**  
Atty Docket: GME-138

Cincinnati, Ohio 45202

April 14, 2005

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**RESPONSE TO FINAL OFFICE ACTION TRANSMITTAL**

1. Transmitted herewith is an amendment for this application.
2.  X  Small Entity status is claimed.  
      Other than a Small Entity.
3. The fee has been calculated as shown below:

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| (Col. 1)                                  |    | (Col. 2)                        |    | (Col. 3) | SMALL ENTITY |     | LARGE ENTITY |     |
|---|----|---------------------------------|----|----------|--------------|-----|--------------|-----|
| Claims Remaining After Amendment          |    | Highest No. Previously Paid For |    | Extra    | Present Rate | Fee | Present Rate | Fee |
| TOTAL                                     | 43 | MINUS                           | 43 | = 0      | x \$25       | \$0 | x \$50       | \$0 |
| INDEP.                                    | 7  | MINUS                           | 7  | = 0      | x \$100      | \$0 | x \$200      | \$0 |
| FIRST PRESENTATION OF MULTIPLE DEP. CLAIM |    |                                 |    |          | + \$180      | \$0 | + \$360      | \$0 |
| TOTALS                                    |    |                                 |    |          | TOTAL FEE    | \$0 | TOTAL FEE    | \$0 |

- ☆ If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.  
 ☆☆ If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.  
 ☆☆☆ If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid for" (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment or the number of claims originally filed.

  X   No additional fee for claims is required.

4. Attached is a check in the sum of \$\_\_\_\_\_.

\_\_\_\_\_ Please charge my Deposit Account No. 23-3000 in the amount of \$\_\_\_\_\_.

A duplicate copy of this sheet is attached.

5. The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply.

Complete (a) or (b) as applicable.

(a) \_\_\_\_\_ Applicant petitions for an extension of time under 37 CFR 1.136 for the total number of months checked below:

|     | Extension<br>(months) | Fee for<br>other than<br>small entity | Fee for<br>small entity |
|-----|-----------------------|---------------------------------------|-------------------------|
| ___ | one month             | \$ 120.00                             | \$ 60.00                |
| ___ | two months            | \$ 450.00                             | \$225.00                |
| ___ | three months          | \$1,020.00                            | \$510.00                |
| ___ | four months           | \$1,590.00                            | \$795.00                |

\_\_\_ Attached is a check in the amount of \$\_\_\_ for the three month extension fee as required by 37 C.F.R. § 1.17(c).

If an additional extension of time is required, please consider this a petition therefor.

(Check and complete the next item, if applicable)

\_\_\_ An extension for \_\_\_ months has already been secured and the fee paid thereof of \$\_\_\_ is deducted from the total fee due for the total months of extension now requested. Extension fee due with this request \$\_\_\_.


OR

(b) XX Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

XX If any additional fee for claims or extension of time is required, charge Account No. 23-3000. A duplicate of this transmittal is attached.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

  
\_\_\_\_\_  
David H. Brinkman  
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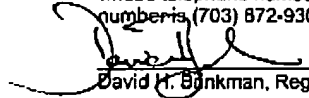
Application No. 09/800,792  
Response to Final Office Action Dated 4/14/05  
Reply to Office Action of 1/14/05

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 4/14/05  
David H. Bankman, Reg. No. 40,532 Date

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: John C. Evans  
Serial No.: 09/800,792  
Filed: March 7, 2001  
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P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO FINAL OFFICE ACTION**

Sir:

This Response is submitted in reply to the Final Office Action mailed on January 14, 2005. Claims 1-43 stand rejected on the same grounds as set forth in the Office Action mailed on April 28, 2004. Applicant respectfully traverses these rejections

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